

REMARKS

This amendment is offered in response to the Office Action of August 18, 2008.

The Office Action rejected Claims 1-20 under 35 U.S.C. §101, on the grounds that the claims were allegedly directed to non-statutory subject matter. Claims 1-10, as well as Claims 21-38 have been canceled, without prejudice or disclaimer. It is assumed that this rejection does not apply to Claims 39-53.

The presently claimed invention is directed to a computer apparatus for enabling the transfer of a labeling right (such as labeling of 100 percent plant-based resources) entitled to a first product using plant-based resources to a second product using fossil-fuel based resources. For this purpose, the presently claimed invention utilizes an environmentally friendly value index from computation of a production volume of the first product using the plant-based resource for conversion of an environmentally friendly value index into the second product using fossil-fuel based resources. It is therefore respectfully submitted that these presently pending claims relate to a sufficient physical transformation to qualify as patentable subject matter under 35 U.S.C. §101.

The Office Action rejected Claims 29 and 42 under 35 U.S.C. §1029e) as being anticipated by the McMorris reference (U.S. patent publication No. 2004/0230443). Similarly the Office Action rejected Claim 50 under 35 U.S.C. §102(e) as being anticipated by the Sandor reference (U.S. patent publication 2006/0184445); rejected Claims 1-20 and 28 under 35 U.S.C. §103(a) as being obvious over the Webb reference in view of the Helminen reference (fully cited in the Office Action); rejected Claims 8 and 18 under 35 U.S.C. §103(a) as being obvious over the Webb reference in view of the Helminen reference and further in view of the McMorris reference; rejected Claims 21-27, 30-41, 44-49 and 51-53 under 35 U.S.C. §103(a) as being

obvious over the Sandor reference in view of the Webb reference; and rejected Claim 43 under 35 U.S.C. §103(a) as being obvious over the McMorris reference in view of the Sandor reference.

Claims 1-10 and 21-38 have been canceled, without prejudice or disclaimer. Furthermore, Claim 11 has been amended to recite “a first computing means for computing a production volume of the product using the plant-based resource” which is supported by paragraph [0133], page 7, of the present published application. Similarly, Claim 11 has been amended to recite “a second computing means for computing an environmentally-friendly value index, which is an index for environmentally-friendly value based on a production volume and a production process of the first product” which is supported by paragraph [0135], page 7 of the present published application and to recite “a third computing means for computing a corresponding production volume of the second product using the fossil-based resource based on a production process of the second product, onto which said labeling right is exercised, in which said volume corresponds to the environmentally-friendly value index acquired by said second computing means for computing said environmentally-friendly value index” which is supported by paragraph [0146], page 8 of the present published application. Somewhat similar amendments have been made to Claims 44 and 47.

The presently claimed invention is directed to a computer apparatus for enabling the transfer of a labeling right (such as labeling of 100 percent plant-based resources) entitled to a first product using plant-based resources to a second product using fossil-fuel based resources. For this purpose, the presently claimed invention utilizes an environmentally friendly value index from computation of a production volume of the first product using the plant-based

resource for conversion of an environmentally friendly value index into the second product using fossil-fuel based resources.

While the cited references may show or suggest carbon dioxide reduction technologies, there is no teaching or suggestion of conversion of an environmentally friendly index value from the plant base first product to the fossil fuel based second product.

It is therefore respectfully submitted that all of the rejections are overcome.

For all of the reasons above, it is respectfully submitted that all of the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested to withdraw the rejections of the claims, to enter this amendment, to allow the claims, and to pass this application to early issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald E. Brown", with a stylized flourish at the end.

Ronald E. Brown
Registration No. 32,200

DAY PITNEY LLP
7 Times Square
New York, NY 10036-7311